

REMARKS

Claims 6, 19 and 32 have been amended. Claims 1-39 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Claim Objections:

The Examiner objected to claims 6, 19, and 32 due to the inclusion of the acronym “OMG IDL” and in light of the fact that acronyms must be “positively defined and identified in the claims.” Correspondingly, claims 6, 19 and 32 have been amended to recite “Object Management Group Interface Definition Language (OMG IDL).”

Section 103(a) Rejection:

The Office Action rejected claims 1-9, 11-22, 24-35 and 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Barker et al. (U.S. Patent 6,363,421) (hereinafter “Barker”) in view of Sampat et al. (U.S. Patent 6,279,029) (hereinafter “Sampat”).

Regarding claim 1, contrary to the Examiner’s assertion, Barker in view of Sampat does not teach or suggest an event gateway that comprises a plurality of event distribution server sinks configured to receive events generated by managed objects and distribute the events to one or more managers such that one of the managers receives events from a plurality of different ones of the event distribution server sinks. Barker discloses a method for remotely managing a plurality of network elements of a telecommunications network through a special communications link. A management computer is connected to an element management system server 32 through a communication link including the Internet. At least one of the network elements 14 is also coupled to the element management server 32 through the internet and is managed via communications conveyed through the element management server 32 between the management computer and the at least one network element 14. Sampat teaches a client/server system that sends and receives multicast media data streams over a network.

The Examiner admits that Barker “does not disclose a plurality of server sinks configured to receive events generated by the managed objects and distribute the events to one or more managers” and asserts that Sampat teaches such a plurality of sinks. Applicants respectfully disagree with the Examiner’s characterization of Sampat and submit that Sampat does not teach or suggest event distribution server sinks configured to receive events generated by managed objects and distribute the events to the one or more managers such that one of the managers receives events from a plurality of different one of the event distribution server sinks. Instead, Sampat teaches a client/server architecture for network based multicast systems. Sampat’s client/server architecture includes a media services manager and media services that send and receive multicast media data streams over a network (Sampat, Abstract, column 2, lines 25-36).

Sampat uses source and sink media service providers (MSPs) that assist in the receipt of and playing of data streams, respectively (Sampat, column 9, line 24). **However, Sampat’s sink MSPs are not *event distribution server sinks* that receive and distribute *events*.** In contrast, Sampat teaches that sink MSPs are used to transfer received media data (text, video, and audio, for example) to appropriate hardware drivers for local playing. (Sampat, Fig. 16, items 1614, 1618, and 1622, Fig. 18, items 1814, 1414, and 1822). Specifically, Sampat teaches that media server provider sinks are used to play multicast data either received from the network or locally recorded (Sampat, column 14, lines 18-28). Additionally, Sampat describes how “[v]ideo sink MSP 1814 and text sink MSP 1822 receive a video data stream and a text data stream, respectively, from MSM 1808 and transmits the video and text data to display driver ... for display on [a] monitor” (Sampat, column 14, lines 38 – 41). Similarly, Sampat teaches that an audio sink transmits received audio data to an audio driver for playing on audio hardware (Sampat, column 14, lines 42-44). Thus, Sampat teaches the use of media service provider sinks to transfer received media data to appropriate hardware device drivers. The source and sink media service providers of Sampat have nothing to do with receiving and distributing events of any kind, let alone events generated by managed objects and distributed to one or more managers. The Examiner cites column 13, line 62 to column

14, line 57 of Sampat for support. However, as shown above, this passage does not teach event distribution sinks, but instead teaches media service provider sinks that transfer media data to appropriate hardware device drivers.

Additionally, sink MSPs, as taught by Sampat, each receive data from a single, data stream and forward it to a single device driver. Sampat teaches that media service manager (MSM) starts a sink MSP for each data stream (Sampat, column 14, lines 6-11). Further, as shown above, each sink MSP transmits data to a specific device driver (Sampat, column 14, lines 38-44). Thus, Sampat's sink MSPs do not distribute the data that they receive, but merely transfer it from a specific input to a specific output. Sampat teaches that a single process, the media services manager (MSM) actually determines how to route incoming data. For example, Sampat states, "[u]pon receiving new data from the network, the MSM transmits the data to the appropriate MSP." (Sampat, column 15, lines 51-53). Thus, Sampat would in no way suggest modifying Barker to distribute the events to one or more managers such that one of the managers receives events from a plurality of different ones of the event distribution server sinks.

In the Response to Arguments section, the Examiner responds to the above remarks regarding Sampat's failure to teach a plurality of event distribution server sinks. Specifically, the Examiner refers to Sampat's Media Service Providers MSP and cites figures 14 and 18 and column 9, line 10 - column 10, line 46. However, as noted above, Sampat teaches the use of media service provider sinks to transfer received media data to appropriate hardware device drivers. **The source and sink media service providers of Sampat clearly have nothing to do with receiving and distributing events of any kind, let alone events generated by managed objects and distributed to one or more managers.**

Applicants also submit that the combination of Barker and Sampat as suggested by the Examiner would not result in an event gateway that comprises a plurality of event distribution sinks configured to receive events generated by the managed objects and distribute the events to the one or more managers. Instead any modification based on

Sampat of Barker's system for managing network elements to use the sink media service providers of Sampat would at most result in a system for managing media service providers. However, since neither Barker nor Sampat teach the use event distribution sinks (that receive events from managed objects and distribute the events to one or more managers), no combination of Barker and Sampat would suggest such event distribution sinks.

In the Response to Argument section of the Final Office Action, the Examiner argues, "Applicant simply asserts 'the references would not result in the claimed invention'." The Examiner further states, "[t]his quote is the extent of explanation provide by Applicant in support of claims 1, 14, and 27." However, the Examiner is completely ignoring the majority of Applicants' arguments regarding claims, 1, 14 and 27 submitted in the Response to Office Action filed August 20, 2004. For instance, Applicants argued previously, and currently above, that Barker in view of Sampat does not teach or suggest an event gateway comprising a plurality of event distribution server sinks configured to receive events generated by the managed objects and distribute the events to the one or more managers such that one of the managers receives events from a plurality of different ones of the event distribution server sinks. The Examiner has even responded to this particular argument in the Response to Arguments section, as noted above. Thus, Applicants find no basis for the Examiner's assertion that Applicants' response "is insufficient to satisfy the requirement of specific argument to have the claims considered for patentability."

Furthermore, Barker clearly teaches a single event distributor 140 (Barker -- Fig. 4). Barker teaches that this single event distributor "is responsible for filtering and routing of all events in the system" (emphasis added, Barker, column 17, lines 5-6). Thus, Barker actually teaches away from a plurality of event distribution server sinks configured such that one of the managers receives events from a plurality of different ones of the event distribution server sinks.

Additionally, Applicants strongly disagree with the Examiner's assertion that Barker's applications 44 and 50 are managed objects that generate events. **Barker clearly describes applications 44 and 50 as client applications that are distinct from the managed objects** (*See, e.g.*, Barker, column 11, lines 47-60; column 13, line 46 – column 16, line 12; column 39, line 55 – column 40, line 16). At the top of Fig. 6, Barker defines an example of a managed object as a network element. Thus, in Fig. 2, the managed objects are represented by network element 14, *not client applications 44 and 50*. Anyone of ordinary skill in the art reading Barker would understand that client applications 44 and 50 are not managed objects in Barker's system. **Furthermore, there is no teaching in Barker that client applications 44 and 50 generate events.** The Examiner's cited passages include absolutely no mention at all that client applications 44 and 50 generate events received by element management system server 32. Applicants request that the Examiner quote the exact column and line numbers where he believes Barker teaches that client applications 44 and 50 are managed network elements and generate the events described in Barker. **Although Applicants have repeatedly asserted this argument, Applicants note that the Examiner has never supplied any rebuttal of this specific argument.**

Thus, in light of the above remarks, Applicants assert that the rejection of claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 1 apply to claims 14 and 27.

In regard to claim 7, contrary to the Examiner's assertion, Barker in view of Sampat fails to teach that the managed objects comprise one or more objects corresponding to a telephone network. In contrast, Barker discloses a system client that is connected to a network element and element management system client through a public switched telephone network (Barker, column 3, lines 48-53). Additionally, Barker teaches the use of a telephone system network through the computer Internet and a telephonic link for a system client to connect to the system server (Barker, column 3, lines 54-62). The Examiner cites column 3, line 47 – column 4, line 36; and column 7,

line 38 – column 8, line 67 of Barker. However, neither of the Examiner’s cited passages describes any of Barker’s managed objects (network elements) as corresponding to a telephone network. Instead, the first cited passage generally describes the hardware and environments on which Barker’s system may be implemented. The second of the Examiner’s cited passages describes the various components of Barker’s element management system, but does not mention anything about a managed object corresponding to a telephone network.

Furthermore, Barker’s use of the phrase “network elements of a telecommunication network” (See, Barker, Title, and brief descriptions of FIG 1A, 1B, and 1C, column 2, lines 50-65) does not imply that one or more of Barker’s network elements correspond to a telephone network. Barker is clearly referring to network element residing *on a telecommunications network*. For instance, when discussing FIG. 1B, Barker describes his system as a “method for managing the network element 14 *in a telephonic network*” and continues, “[n]etwork element 14 is connected *through a telephonic computer network 35 to a computer internet 36*” (emphasis added, Barker, column 3, lines 53-58). In other words, network element 14 is not illustrated as *corresponding to a telephone network*, but rather network element 14 is illustrated as coupled to and communicating over a telephone network. Hence, Barker discloses using a telephonic connection between clients and servers but fails to disclose anything regarding managed objects comprising one or more objects corresponding to a telephone network. This is made clear when figures 1A, 1B and 1C are viewed together. Barker is illustrating that fact that his system may be implemented (e.g. his element management server may communicate with network elements) over various types of communication networks, such as public switched telephone network 33 (Figure 1A), telephonic system network 37 (Figure 1B), and a local area network (Figure 1C).

None of the managed objects in Barker *correspond to a telephone network* themselves, but instead communicate using a telephone network. Thus, Barker clearly fails to teach wherein the managed objects comprise one or more objects corresponding to a telephone network.

For at least the reasons given above, the rejection of claim 7 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 7 apply to claims 20, and 33.

Regarding claim 8, contrary to the Examiner's assertion, Barker in view of Sampat fails to teach or suggest wherein the managed objects comprise an object corresponding to a telecommunications device. The Examiner cites column 3, line 47 – column 4, line 36; and column 7, line 38 – column 8, line 67 of Barker. However, neither of the Examiner's cited passages describes any of Barker's managed objects (network elements) as corresponding to a telecommunications device. Instead, the first cited passage generally describes the hardware and environments on which Barker's system may be implemented. The second of the Examiner's cited passages describes the various components of Barker's element management system, but does not mention anything about a managed object corresponding to a telecommunications device.

Furthermore, as noted above regarding claim 7, Barker's use of the phrase "network elements of a telecommunication network" (See, Barker, Title, and brief descriptions of FIG 1A, 1B, and 1C, column 2, lines 50-65) does not imply that one or more of Barker's network elements correspond to a telecommunications device. Applicants submit, that Barker is referring to network element residing on a telecommunications network. For instance, when discussing FIG. 1B, Barker describes his system as a "method for managing the network element 14 *in* a telephonic network" and continues, "[n]etwork element 14 is connected *through* a telephonic computer network 35 to a computer internet 36" (emphasis added, Barker, column 3, lines 53-58). In other words, network element 14 is not illustrated as corresponding to a telecommunications device, but rather network element 14 is illustrated as coupled to and communicating over a telephone network. Hence, Barker discloses using a telephonic connection between clients and servers but fails to disclose anything regarding managed objects comprising one or more objects corresponding to a telecommunications device. This is made clear when figures 1A, 1B and 1C are viewed together. Barker is

illustrating that fact that his system may be implemented (e.g. his element management server may communicate with network elements) over various types of communication networks, such as public switched telephone network 33 (Figure 1A), telephonic system network 37 (Figure 1B), and a local area network (Figure 1C).

None of the managed objects in Barker *correspond to a telecommunications device* themselves, but instead communicate using a telephone network. Thus, Barker clearly fails to teach wherein the managed objects comprise one or more objects corresponding to a telecommunications device.

Thus, for at least the reasons given above, the rejection of claim 8 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 8 apply to claims 21, and 34.

Regarding claim 9, Barker in view of Sampat fail to teach or suggest wherein the event distribution server comprises the plurality of event distribution server sinks. The Examiner admits that Barker does not teach a plurality event distribution server sinks, but cites figure 18, column 9, line 10 to column 10, line 46 and column 13, line 62 to column 14, line 57 of Sampat. However, as discussed above regarding claim 1, Sampat teaches media service provider sinks that transfer media data to appropriate hardware device drivers and fails to teach a plurality of event distribution server sinks. For a more detailed discussion regarding Sampat's media service provider sinks and Sampat's failure to teach or suggest event distribution server sinks, please see the remarks above regarding claim 1. Thus, for at least the reasons given above, the rejection of claim 9 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 9 apply to claims 22, and 35.

Regarding claim 11, contrary to the Examiner's contention, Barker in view of Sampat fails to teach or suggest wherein the plurality of event distribution server sinks are operable to dispatch the events to one or more managers as a function of the subscription. The Examiner cites column 9, line 22 to column 10, line 49 and column 19,

line 13 to column 20, line 59 of Barker. However, not only do neither of the cited passages mention anything regarding a plurality of event distribution server sinks operable to dispatch events to one or more managers as a function of the subscriptions, **the Examiner has already stated, in the rejections of claims 1 and 9, that Barker fails to teach a plurality of event distribution server sinks** (see, e.g. Final Office Action dated February 14, 2005, page 4, line 1 and page 6, lines 1-2). Thus, the Examiner's assertion in the rejection of claim 11 is clearly improper. The Examiner cannot argue Barker both ways.

Furthermore, as discussed above, regarding the rejections of claims 1 and 9, Sampat fails to teach or suggest *event distribution* server sinks. Instead, Sampat teaches media service provider sinks that transfer media data to appropriate hardware device drivers. For a more detailed discussion regarding Sampat's media service provider sinks and Sampat's failure to teach or suggest event distribution server sinks, please refer to the above discussions regarding claims 1 and 9.

Thus, the rejection of claim 11 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as discussed above in regard to claim 11 apply to claims 24, and 37.

Regarding claim 12, Barker in view of Sampat does not teach or suggest a plurality of event distribution server sinks that are distributed to provide load balancing of the events to the one or more managers. The Examiner cites col. 29, line 27 – col. 30, line 42; and col. 37, line 4 – col. 38, line 63, of Barker in regard to claim 12. However, these sections of Barker reveal absolutely nothing at all that corresponds to a plurality of event distribution server sinks that are distributed to provide load balancing of the events to the one or more managers. In fact, the first cited section (Barker, col. 29, line 27 – col. 30, line 42) describes how Barker's system provides overload control by limiting the amount of network traffic through only allowing a limited number of client sessions and running applications. This cited section also describes Barker's preferred method of software version management. Neither of these topics discusses load balancing. The

Examiner's second cited passage (col. 37, line 4 – col. 38, line 63) describes the major functions of Barker's event handler and goes on to provide overviews of Barker's Network Element Status Table, Network Element Status API, Event Configuration File, Admin Log, and EMAPI, none of which mention (or have anything to do with) a plurality of event distribution server sinks that are distributing to provide load balancing of the events to the one or more managers. Thus, the rejection of claim 12 is not supported by the cited art and withdrawal of the rejection is respectfully requested.

In the response to arguments section of the Final Office Action, the Examiner responds to the above argument by merely restating the assertion and citations from the rejection of claim 12 without providing any additional explanation or any rebuttal of Applicants' above argument. As noted above, the cited sections of Barker do not mention anything at all regarding a plurality of event distribution server sinks that are distributed to provide load balancing of the events to the one or more managers. Furthermore, the Examiner has failed in both the rejection of claim 12 and in the Response to Arguments section to point out any teaching in the cited art that equates to a plurality of event distribution server sinks that are distributed to provide load balancing of the events to the one or more managers.

Thus, for at least the reasons provided above, the rejection of claim 12 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 12 also apply in regard to claims 25 and 37.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

Allowable Subject Matter:

Claims 10, 23 and 36 were objected to as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form. In light of the above remarks, Applicants assert that claims 10, 23 and 36 are in condition for allowance in their present form.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

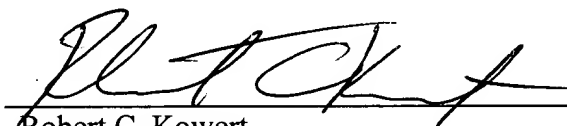
If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-48200/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Other:

Respectfully submitted,


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Date: April 7, 2005